

200 518 506-05

ORIGINAL 9.

SL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES HADDAD,  
Plaintiff,  
vs.

JUDGE : Taylor, Anna Diggs  
DECK : S. Division Civil Deck  
DATE : 12/20/2004 @ 13:59:30  
CASE NUMBER : 2:04CV74932  
CMP CHARLES HADDA VS. INDIANA  
PACERS, ET AL (SI) JMC

INDIANA PACERS, an assumed name, a/k/a  
PACERS BASKETBALL CORPORATION, an  
Indiana corporation, JERMAINE O'NEAL and  
ANTHONY JOHNSON, Jointly and Severally,

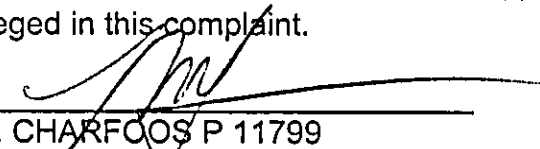
Defendants.

MAGISTRATE JUDGE DONALD A. SCHEER

L.S. CHARFOOS P11799  
JASON J. THOMPSON P47184  
Charfoos & Christensen, P.C.  
Attorneys for Plaintiff  
5510 Woodward Avenue  
Detroit, MI 48202  
(313) 875-8080

COMPLAINT AND DEMAND FOR JURY TRIAL

There is no other pending or resolved civil  
action arising out of the same transaction or occurrence  
alleged in this complaint.

  
\_\_\_\_\_  
L.S. CHARFOOS P 11799  
JASON J. THOMPSON p47184  
Attorney for Plaintiff

NOW COMES Plaintiff, by and through his attorneys, CHARFOOS &  
CHRISTENSEN, P.C., and for her cause of action against the Defendants, jointly and  
severally, states the following:

**The Parties**

1. Plaintiff Charles Haddad is, and was at all times pertinent, a citizen and resident of Burt, Michigan.

2. Defendant Indiana Pacers is an assumed name for Pacers Basketball Corporation, an Indiana corporation, with its principal place of business in Indianapolis, Indiana.

3. Defendant Jermaine O'Neal is, and was at all times pertinent, a resident of Indianapolis, Indiana.

4. Defendant Anthony Johnson is, and was at all times pertinent, a resident of Indianapolis, Indiana.

5. On November 19, 2004, Defendants O'Neal and Johnson, as employees and/or agents of Defendant Indiana Pacers, were engaged in professional basketball competition with The Detroit Pistons at the Palace of Auburn Hills, in Auburn Hills, Michigan.

**Jurisdiction and Venue**

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332, as the Plaintiff is a citizen of a different state than Defendants, and the amount in controversy exceeds Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest and costs.

**Claims for Relief**

**FACTS**

7. On Friday, November 19, 2004, Plaintiff, a season ticket holder, was in attendance at the basketball game between the Detroit Pistons and Defendant Indiana Pacers.

8. Certain players of the Indiana Pacers, as the game was ending, wrongfully removed themselves from the playing court and entered into the stands where fans were assembled.

9. A brawl of some celebrity ensued.

10. The brawl, not having anything to do with the flow of the game, resulted in the games termination.

11. During the melee Ron Artest, one of the players, came down on the court, heading toward patrons near the basket.

12. One of the patrons was a Mr. Shackleford, who was moving forward, when he came into confrontation with Ron Artest.

13. An exchange of fisticuffs appeared to have occurred between Ron Artest and Patron, Mr. Shackleford.

14. Plaintiff Charles Haddad was behind Mr. Shackleford, and during the fight between Messrs. Artest and Shackleford, Plaintiff was knocked down by Ron Artest.

15. Before he could get up, and while he was still face-down, Plaintiff was jumped upon by Defendant Anthony Johnson, and pounded repeatedly in the back

of his neck, head, kidneys and other proximate anatomical areas for a period of time. Palace security guards had to pull Defendant Mr. Johnson off Plaintiff.

16. Plaintiff was obviously physically injured by the attack of Defendant Johnson, and had to be helped to his feet by the security guards.

17. While he was being helped to his feet and while still groggy, unbelievably Defendant Jermaine O'Neal came running from middle court toward the helpless Plaintiff, and struck him barehanded with a windup punch that has been seen and replayed on videotape around the world. He flattened Plaintiff, as that terminology is used in the sport of boxing.

18. The punch by Defendant O'Neal was to Plaintiff's face.

19. Plaintiff had to be moved from the Palace by stretcher to an EMS-type vehicle, and then transported to the nearest emergency room, which was Pontiac Osteopathic Hospital.

20. Plaintiff has suffered severe and significant injuries, not the least of which are concussion, damage to the head, face, cheek, gums and brain, as well as injuries to the back and kidney area.

21. Plaintiff is still under medical treatment as a result of those injuries.

22. Plaintiff has lost substantial amounts of time from work, and will continue to do so for the foreseeable future.

23. Plaintiff has suffered pain and distress from his physical injuries, emotional distress, humiliation and anguish, medical expenses, and Plaintiff requests punitive and exemplary damages allowed under law.

#### **COUNT I – ASSAULT AND BATTERY**

24. Plaintiff incorporates all allegations in the preceding paragraphs of his Complaint, as though fully set forth herein.

25. On November 19, 2004, Plaintiff, a season ticket holder, was intentionally, brutally and viciously assaulted and beaten by Defendants Johnson and O'Neal while they were in the course of their employment with Defendant Indiana Pacers.

26. The acts of assault and battery by Defendants Johnson and O'Neal were committed within the scope of their employment and/or agency with Defendant Indiana Pacers.

27. As a proximate result of the assault and battery inflicted upon him, Plaintiff has suffered numerous injuries and damages.

#### **COUNT II – WANTON AND WILLFUL MISCONDUCT**

28. Plaintiff incorporates all allegations in the preceding paragraphs of his Complaint, as though fully set forth herein.

29. The attacks by Defendants Johnson and O'Neal were intentional, and as such constitute wanton and willful misconduct.

30. At the time of these attacks, Defendants Johnson and O'Neal were employees and/or agents of Defendant Indiana Pacers.

**RELIEF SOUGHT**

31. Plaintiff incorporates all allegations in the preceding paragraphs of his Complaint, as though fully set forth herein.

32. As a result of the assault and battery, and wanton and willful conduct of Defendants, Plaintiff requests monetary damages as follows:

- (a) Compensatory damages against Defendants in an amount deemed appropriate by the trier of the facts, including, without limitation, medical and medical-related expenses, loss of earnings, earning capacity, etc.
- (b) Punitive or exemplary damages as allowed by law.
- (c) Pre-judgment and post-judgment interest, and all damages allowed by law.
- (d) Damages for past and future mental and emotional distress.
- (e) Such other and further relief as the Court deems just and proper.

CHARFOOS & CHRISTENSEN, P.C.

By: \_\_\_\_\_  
L. S. CHARFOOS P11799  
JASON J. THOMPSON P47184

Attorneys for Plaintiff  
5510 Woodward Avenue  
Detroit, MI 48202  
(313) 875-8080

Dated: December 20, 2004

**DEMAND FOR JURY TRIAL**

**NOW COMES** Plaintiff, by and through his attorneys, CHARFOOS & CHRISTENSEN, P.C., and demands trial by jury in the above-entitled cause of action.

CHARFOOS & CHRISTENSEN, P.C.

By: 

L.S. CHARFOOS (P11799)  
JASON J. THOMPSON P47184  
Attorneys for Plaintiff  
5510 Woodward Avenue  
Detroit, MI 48202  
(313) 875-8080

Dated: December 20, 2004

CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE: Oakland

the JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## I. (a) PLAINTIFFS

CHARLES HADDAD

(b) County of Residence of First Listed Burt, MI

(C) Attorney's (Firm Name, Address, and Telephone Number)

L.S. CHARFOOS P11799

JASON J. THOMPSON P47184

5510 Woodward Ave., Detroit, MI 48202

## DEFENDANTS

04-74932

INDIANA PACERS, an assumed name,  
a/k/a PACERS BASKETBALL CORPORATION,  
an Indiana corporation, JERMAINE  
O'NEAL AND ANTHONY JOHNSON, J/S  
County of Residence of First Listed Indianapolis, IN

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

MAGISTRATE JUDGE DONALD A. SCHEER  
ANNA DIGGS TAYLOR

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item 111)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- PLA DEF  
Citizen of This State ☒ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
- Citizen of Another ☐ 2 ☒ 2 Incorporated and Principal of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel And Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY - Med. Malpractice</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21: 861 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Rel. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multi district Litigation ☐ 7 Appeal to District Judge from Magistrate

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. 1332

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

\$ DEMAND

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) (See instructions): IF ANY

N/A

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

December 20, 2004



PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

☐ Yes  
☒ No

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

☐ Yes  
☒ No

Notes :

---

---

---

---

---

---

---

---

---

---